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09/708,809	11/08/2000	Donald F. Gordon	19880003600	2490

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EXAMINER
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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 February 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 20050722.

Response to Arguments

1.   Applicant's arguments filed 2/28/05 have been fully considered but they are not

persuasive.

Applicant argues that Coleman does not teach or suggest the claimed feature of each

IPG page includes a plurality of defined regions, and receiving at a terminal a selection for a

particular region of a particular IPG page. Examiner respectfully disagrees.

First, Coleman teaches that each IPG page includes a plurality of time slots of

scheduling information. It is noted that scheduling information is typically organized by time slots

within a particular day or period of time (see col. 6, lines 17-29).

Second, Coleman discloses selection of a particular time slot of future scheduling

information is made via a user interface device 46, i.e., remote control. That is, a

receiver/terminal (figure 2) receives the user's selection for future scheduling information of a

particular time slot in a particular IPG page via user interface device 46. Moreover, Coleman

discloses that whenever a user desires to view a portion of the program guide database that is

not stored (not received) in the decoder memory, the desired portion is acquired from the

demand data stream. Coleman further discloses that the demand data stream is provided from

a service provider via a information network. The data for future time periods is carried in a

demand data stream which carries the data at much higher rate and can be acquired on a real

time basis in response to a subscriber's request for future scheduling information. (See col. 4,

lines 60-64; col. 5,lines 4-8; col. 6, lines 39-42; col. 14, lines 16-18). From this view, the receiver

sends a request generated from the user for the selected scheduling information of the

particular time slot to the service provider. Thus, Coleman teaches the claimed features as

interpreted above.

Applicant further argues that the Reynolds reference does not bridge the substantial gap between the Coleman reference and the applicant's invention. This argument is not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Coleman does not disclose the selected region is a video region for a video. However, Reynolds teaches a system that allows a viewer to view both information about and video of a program to be shown at a future time. Particularly, if the viewer is browsing through future program listings becomes interested in a particular program, the viewer can direct the program guide to activate program guide video window to display a video clip for that program. In order to watch a video clip of a future program, the viewer may need to direct the program guide to request a video clip for that program (see col. 9-10, lines 60-28). It would have been obvious to one of ordinary skill in the art to modify the system of Coleman by providing a video clip of a future program displayed in program guide video window as taught by Reynolds in order to allow the viewer to preview the future program.

The rejections for the claims are therefore maintained based on the supportive reasons above and fully addressed in the previous action.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-10, 14-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated

by Coleman et al. (U.S. 5,844,620 A).

Regarding **claim 1**, Coleman discloses a method for providing interactive television

program guide (IPG), wherein the IPG is provided via a plurality of IPG pages and each IPG

page includes a plurality of defined regions (see abstract and col. 18, lines 28-39), the method

comprising:

receiving at a terminal (figure 2) a selection for a particular region of a particular IPG

page, e.g., selection of particular time slots of future scheduling information (see col. 14, lines 2-

4 and figure 2);

determining whether the selected region is currently received at the terminal (for

example, determining whether the selected region is scheduling information for a time period

beyond a current period. It is noted that the scheduling information for the current period is

already stored in memory, while the scheduling information for future is not available in the

memory – see col. 7, lines 2-12; col. 6, lines 39-42 and 56-59; col. 20, lines 30-41);

if the selected region is not currently received at the terminal, generating a request for

the selected region, and sending the request from the terminal to a server of an information

distribution system (whenever a user desires to view a portion of the program guide database

that is not stored in the memory, the desired portion is acquired from a demand stream.

Particularly, selection of particular time slots of future scheduling information carried in the

demand data stream is made via user interface device 46 at the terminal. That is, the data for

future time periods is carried in a demand stream which can be acquired on a real time basis in

response to a user's request for future scheduling information. It is noted that the interactive

program guide is provided via an information network from a service provider, e.g., figure 1, to

the user. Therefore, the request is sent from the user to the service provider for the future

scheduling information – see col. 5, lines 5-11; col. 14, lines 2-5; col. 20, lines 30-41 and figure

1).

Regarding **claim 2**, Coleman discloses that selected region is defined to be a guide

region, e.g., scheduling information, for a program listing of the IPG page is not currently

received at the terminal (e.g., scheduling information for the future is not available in the

memory - see col. 18, lines 28-39; col. 14, lines 2-4).

Regarding **claims 3 and 4**, Coleman shows the structure of IPG message including a

plurality of records 68, 70, and wherein record 80 determines a particular format of remaining

fields in the message format (see figure 3).

Regarding **claim 5**, Coleman shows record 80 indicative of the selected region which is

chosen from among the plurality of defined regions in the IPG page, e.g., title of the

program/event (see figure 3).

Regarding **claims 6 and 7**, Coleman shows that the selected region is a guide region for

a program listing, e.g., scheduling information, the message further includes Class ID 82

providing a set of sortable theme classes and theme subclasses for use in selecting schedule

categories by a particular theme, such as sports, movies, comedy, etc (see col. 15, lines 33-41;

col. 14, lines 2-5; col. 13, lines 5-12; col. 7, lines 20-26).

Regarding **claims 8-10**, Coleman discloses that schedule records are transmitted in the form of N blocks, each blocks defining all title and description records via title record IDs and description record IDs, indexed by the start time for the particular program/event. Each of the N blocks contains the title and description information for all events within a particular time slot. Coleman further discloses that when a user selects a time slot for which scheduling information is desired the decoder identifies the corresponding pages and the packet identifiers carrying the pages (see col. 17, lines 5-13; col. 14, line 66 to col. 15, line 32 and col. 18, lines 36-40).

Regarding **claim 14**, Coleman discloses a method for providing interactive television program guide (IPG), wherein the IPG is provided via a plurality of IPG pages and each IPG page includes a plurality of defined regions (see abstract and col. 18, lines 28-39), the method comprising:

receiving at a terminal (figure 2) a selection for a particular region of a particular IPG page, e.g., selection of particular time slots of future scheduling information (see col. 14, lines 2-4 and figure 2);

determining whether the selected region is currently received at the terminal (for example, determining whether the selected region is scheduling information for a time period beyond a current period. It is noted that the scheduling information for the current period is already stored in memory, while the scheduling information for future is not available in the memory – see col. 7, lines 2-12; col. 6, lines 39-42 and 56-59; col. 20, lines 30-41);

if the selected region is not currently received at the terminal, generating a request for the selected region, and sending the request from the terminal to a server of an information distribution system (whenever a user desires to view a portion of the program guide database that is not stored in the memory, the desired portion is acquired from a demand stream. Particularly, selection of particular time slots of future scheduling information carried in the

demand data stream is made via user interface device 46 at the terminal. That is, the data for future time period is carried in a demand stream which can be acquired on a real time basis in response to a user's request for future scheduling information. It is noted that the interactive program guide is provided via an information network from a service provider, e.g., figure 1, to the user. Therefore, the request is sent from the user to the service provider for the future scheduling information – see col. 5, lines 5-11; col. 14, lines 2-5; col. 20, lines 30-41 and figure 1).

Regarding **claim 15**, Coleman discloses that the scheduling information relates to IPG (see col. 18, lines 28-39; col. 14, lines 2-4).

Regarding **claim 16**, Coleman discloses a method for providing interactive television program guide (IPG), wherein the IPG is provided via a plurality of IPG pages and each IPG page includes a plurality of defined regions (see abstract and col. 18, lines 28-39), the method comprising:

receiving at a server a request for a particular region of a particular IPG page (for example, whenever a user desires to view a portion of the program guide database that is not stored in the memory, the desired portion is acquired from a demand stream. Particularly, selection of particular time slots of future scheduling information carried in the demand data stream is made via user interface device 46 at the terminal. That is, the data for future time period is carried in a demand stream which can be acquired on a real time basis in response to a user's request for future scheduling information. It is noted that the interactive program guide is provided via an information network from a service provider, e.g., figure 1, to the user. Therefore, the request for the future scheduling information is received at the service provider – see col. 5, lines 5-11; col. 14, lines 2-5; col. 20, lines 30-41 and figure 1);

assigning a packet identifier (PID) for the requested region; and transmitting the requested region to a requesting terminal via the assigned PID (transmitting the requested scheduling information to user via the demand stream identified by a unique PID in the transport multiplex - see col. 14, lines 30-35; col. 20, lines 30-41).

Regarding **claim 17**, Coleman discloses that the requested region is a guide region for a program listing, e.g., scheduling information (see col. 18, lines 28-39; col. 14, lines 2-4).

Regarding **claim 19**, Coleman discloses in an information distribution system, a terminal (see figure 2) operable to request and receive information for an interactive program guide (IPG), wherein the IPG is provided via a plurality of IPG pages and each IPG page includes a plurality of defined regions (see abstract; col. 18, lines 28-39 and figure 2), the terminal comprising:

a controller (36) configure to

receive at a terminal (figure 2) a selection for a particular region of a particular IPG page, e.g., selection of particular time slots of future scheduling information (see col. 14, lines 2-4 and figure 2);

determine whether the selected region is currently received at the terminal (for example, determining whether the selected region is scheduling information for a time period beyond a current period. It is noted that the scheduling information for the current period is already stored in memory, while the scheduling information for future is not available in the memory – see col. 7, lines 2-12; col. 6, lines 39-42 and 56-59; col. 20, lines 30-41);

if the selected region is not currently received at the terminal, generate a request for the selected region, and a modulator (40) coupled to the controller and configure to send the request from the terminal to a server of an information distribution system

(whenever a user desires to view a portion of the program guide database that is not stored in the memory, the desired portion is acquired from a demand stream. Particularly, selection of particular time slots of future scheduling information carried in the demand data stream is made via user interface device 46 at the terminal. That is, the data for future time periods is carried in a demand stream which can be acquired on a real time basis in response to a user's request for future scheduling information. It is noted that the interactive program guide is provided via an information network from a service provider, e.g., figure 1, to the user. Therefore, the request is sent from the user to the service provider for the future scheduling information – see col. 5, lines 5-11; col. 14, lines 2-5; col. 20, lines 30-41 and figures 1-2).

Regarding **claim 20**, Coleman shows the structure of IPG message including a plurality of records 68, 70, and wherein record 80 is used to specifically identify the selected region (see figure 3).

Regarding **claim 21**, Coleman discloses a system operable to provide interactive television program guide (IPG), wherein the IPG is provided via a plurality of IPG pages and each IPG page includes a plurality of defined regions (see abstract and col. 18, lines 28-39), the system comprising:

a session manager (16) configured to receive a request for a particular region of a particular IPG page (for example, whenever a user desires to view a portion of the program guide database that is not stored in the memory, the desired portion is acquired from a demand stream. Particularly, selection of particular time slots of future scheduling information carried in the demand data stream is made via user interface device 46 at the terminal. That is, the data for future time period is carried in a demand stream which can be acquired on a real time basis in response to a user's request for future scheduling information. It is noted that the interactive

program guide is provided via an information network from a service provider, e.g., figure 1, to

the user. Therefore, the request for the future scheduling information is received at the service

provider via processor 16 – see col. 5, lines 5-11; col. 14, lines 2-5; col. 20, lines 30-41 and

figure 1);

a transport stream generator (14) coupled to the session manager and configured to

assign a packet identifier (PID) for the requested region; and transmit the requested region to a

requesting terminal via the assigned PID (transmitting the requested scheduling information to

user via the demand stream identified by a unique PID in the transport multiplex 14 - see col.

14, lines 30-35; col. 20, lines 30-41 and figure 1).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al.

(U.S. 5,844,620 A).

Regarding **claim 13**, Coleman discloses providing scheduling information via the

network from the service provider in response to user request (see col. 4, lines 60-64; col. 5,

lines 4-11), but does not explicitly disclose sending request from the terminal via an out-of band

network. Official Notice is taken that sending a request from the user to a television service

provider via an out-of-band is well known in the art. Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to modify the system of

Coleman by sending the request from the user to the service provider via an out-of-and in order to prevent interference between signals.

6.   Claims 11, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (U.S. 5,844,620 A) in view of Reynolds et al. (US 6,563,515 B1).

Regarding **claims 11 and 18**, Coleman discloses requesting for future scheduling information (see col. 4, lines 60-64), but does not explicitly disclose the selected region is a video region for a video. However, Reynolds discloses that in order to watch a video clip of a future program, the viewer may need to direct the program guide to request a video clip for that program (see col. 10, lines 21-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Coleman by providing a video clip of a future program to allow user to preview the future program.

Regarding **claim 12**, the combination of Coleman and Reynold further teach a particular type of video selected among a plurality of video type, e.g., VOD program (see Reynold: col. 13, lines 20-26).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ngoc K. Vu
Primary Examiner
Art Unit 2611

July 22, 2005